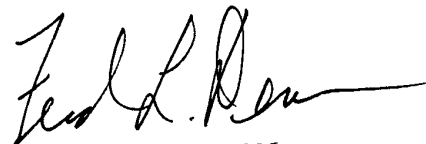


substitute specification papers also include the abstract and claim. Pursuant to the requirements of 37 CFR 1.125(b), the substitute specification contains no new matter and the claim has not been changed.

Favorable reconsideration and final allowance are respectfully requested.

Respectfully submitted,



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#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 12/19/02

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TECH CENTER 1600/2900

**SUBSTITUTE SPECIFICATION**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**CLEMATIS PLANT NAMED 'SPRINKLES'**

5

**BOTANICAL CLASSIFICATION**

Clematis

RECEIVED

**CULTIVAR DESIGNATION**

JAN 03 2003

'Sprinkles'

Technology Center 2100

10

**BACKGROUND OF THE NEW VARIETY**

The present invention relates to a new and distinct cultivar variety of clematis plant, hereinafter referred to known by the cultivar name 'Sprinkles' (i.e. Genus Clematis, cultivar 'Sprinkles').

15 The new variety was discovered in a controlled planting of cultivated plants in a clematis nursery in Walworth, New York in 1994. Plants were asexually propagated and observed over the next four years. In 1998, an offspring was selected and planted in an outside garden area and observed over the next two years. Propagation was done in Walworth, New York. Asexual propagation by vegetative cuttings has shown that the propa-  
20 gules are identical to the original plant in all distinguishing characteristics. The stability of the variety is evidenced by the distinguishing characteristics remaining true to form from generation to generation. The parentage of the variety is unknown.

## SUMMARY OF THE INVENTION

Among the features which distinguish the new variety from other presently available and known commercial clematis cultivars are the unique color of the flower and the long blooming habit of the plant. The flower has sprinkles of white which are distributed throughout the petals tepals. A petal tepal typically carries a white bar that extends along its center longitudinal axis. While the white bar is not dominant or very pronounced or consistent throughout the flowers, it is consistent throughout the plant itself. Their wavy edged petals tepals and rose-tipped stamens further distinguish the flowers.

## RELEVANT PRIOR ART

10 The new variety is somewhat similar in appearance to the Ernest Markham variety as shown in the Spring Valley Greenhouse, Inc. catalogue (4<sup>th</sup> Edition) at page 9. While the flowers of both varieties are about the same size and have wavy edged petals tepals, there is a marked difference in the coloration of the petals tepals. The petals tepals of the Ernest Markham variety are a solid, magenta-red (Pantone® #512C), whereas the petals  
15 tepals of the new variety have edges which are rose pink (Pantone® #246U) and which fade to white in the center thereby forming a white bar in the middle of the petal tepal. Moreover, white is also sprinkled throughout the petals tepals creating an aesthetically soft appearance.

## BRIEF DESCRIPTION OF THE PHOTOGRAPH

20 The accompanying photograph illustrates the overall appearance of the new variety. The flower and foliage colors as shown are, within the limitations of color photography, accurate and true reproductions of the actual colors of the new variety. The photographic view is a front elevation of typical Clematis Sprinkles in full bloom.

## BOTANICAL DESCRIPTION

The following information is based on a six year old plant plants grown in Walworth, New York. Color references are based on using the Pantone® matching system.

### I. Plant

- 5 A. Form: upright climbing or spreading
- B. Growth: vigorous, vining
1. Height: approximately 10 feet to 12 feet
2. Diameter / Spread: approximately 3 feet to 4 feet
- C. Foliage: deciduous, compound-trifoliate, opposite
- 10 1. Size typical and observed: medium
- a. compound leaf length 2.5 inches, width 4.25 inches
- b. individual leaflets length 1.75 inches, width 1 inch
- c. simple leaf length 3 inches, width 2 inches
2. Quantity per stem: average typical and observed about 60
- 15 3. Color: ~~dark green~~ (Pantone® #371C)
- a. upper surface: dark green (Pantone® #371C)
- b. lower surface: medium green (Pantone® #377U)
4. Shape: lower leaves sometimes simple; normally three ovate leaflets in pinnate form; each leaf is cordate shaped.
- 20 5. Texture: upperside-glabrous veined, underside-ribbed
6. Petiole color: green/red
- a. color: green / red (Pantone® #384U)
- b. length, typical and observed: 2 inches

c. diameter, typical and observed: 1/16 inch

7. ~~Internodes: cylindrical, approximately from about 5 inches to about 8 inches~~

8. ~~Disease~~

a. ~~subject to any disease that normally affects clematis~~

b. ~~has shown resistance to powdery mildew~~

D. Wood

1. New shoots

a. Color: light green (Pantone® #582U), ~~turning deep red/purple~~

b. Bark: smooth

c. Internodes: cylindrical, approximately from about 5 inches to about 8 inches in length and 3/32 inch in diameter

2. Old Wood

a. Color: light brown (Pantone® #154C)

b. Bark: rough

E. Hardiness: Zones 4 through 8

F. Disease

a. subject to any disease that normally affects clematis

b. has shown resistance to powdery mildew

G. Pests

a. subject to any pests that normally affect clematis.

II. Flower

A. Blooming habit: recurrent, June to September based on climate in Rochester, New York area

B. Bud:

- 5
1. Size: typical and observed from about 1.5 inches to about 2.0 inches in length and about 5/8 inch in diameter
  2. Form: elliptic to ovate
  3. Color: green/grayish white (Pantone® #435C)

C. Stem:

- 10
1. Length: from about 6 inches to about 8 inches
  2. Aspect: vertical
  3. Strength: erect
  4. Color: green (Pantone® #582U), turning red/purple (Pantone® #476C) with age

15 D. Bloom

1. Size, typical and observed: from about 4 inches to about 6 inches in diameter with a depth of 0.5 inch
  2. Form: round, very symmetrical with six (6) tepals petals of equal size overlapping with wavy margins
  3. Color upper surface: edges of tepals petals are rose pink (Pantone® #246U) fading to light pink (Pantone® #250C) white in the center; white this color (Pantone® #250C) is also sprinkled
- 20

throughout the tepals petals giving the plant a very soft look to the human eye

4. Color lower surface: (Pantone® #248U) fading to center color (Pantone® #243U)

- 5 4. Characteristics: borne on 6 inch to 8 inch stems; suitable for cut flower arrangements

- 6 5. Quantity: very floriferous, resulting from multiple buds formed on each stem, the typical and observed number of blooms per stem being from about 7 to about 10, and the typical and observed number of stems per plant being from about 50 to about 75

- 10 7. Lastingness: about 7 to about 10 days as a cut flower and about 10 days to about 14 days on the plant

#### E. Tepals Petals

- 15 1. Form: obovate in shape, starting  $\frac{1}{4}$  inch wide at its base, expanding halfway up to  $1\frac{1}{2}$  inches at its widest point and then tapering down to a pointed apex, the typical and observed overall tepal length being about  $2\frac{3}{4}$  inches

2. Arrangement: regularly arranged, slightly overlapping at base

3. Fragrance: none

- 20 4. Color: (see II D 3 and II D 4 above)

### III. Reproductive Organs

#### A. Stamens, filaments and anthers

1. Arrangement: regularly arranged

2. ~~Color~~

a. ~~Stamens: cream colored with rose tips to match outer edges of petals~~

2. Stamens: typical and observed, 85 to 100 per bloom, (Pantone® #461C), length 5/8 inch

3. Anther: (Pantone® #469C), length 3/16 inch

4. Pistil: typical and observed from about 35 to about 50 per bloom, 1/2 inch in length.

B. Pollen

1. Color: off white (Pantone® #468C)

2. Amount: scarce

C. Styles: bunched, even, average length

D. Stigmas:

1. Color: off white (Pantone® #461C)

E. Seed, typical and observed:

1. Diameter: 3/16 inch

2. Thickness: 1/16 inch

3. Color: (Pantone® #145U)

4. Shape: spherical

5. Quantity per bloom: 10 to 20

6. Description: 1 inch to about 1 1/2 inches in length, persistent style which is clothed with silky hairs 1/16 inch in length



## CLAIM

I claim:

1. A new and distinct variety of clematis plant named 'Sprinkles' as shown and described herein.

## ABSTRACT

A new variety of clematis plant named 'Sprinkles'. The variety is characterized by wavy edged tepals petals having sprinkles of white distributed throughout the tepal petal surface and a white bar that extends along the center longitudinal axis of each tepal petal.

5